

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA, *et al.*,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 1:23-cv-00108-LMB-JFA

Hon. Leonie M. Brinkema

DECLARATION OF CHRISTOPHER HICKMAN

I, Christopher Hickman, declare as follows:

1. I have been employed with BuzzFeed, Inc. (“BuzzFeed”) since 2019 and currently serve as a Vice President and Associate General Counsel in the legal department. My responsibilities include advising BuzzFeed executives and business teams in connection with the negotiation and implementation of various types of contracts, including contracts with advertisers and providers of online advertising technology. In performing my responsibilities, I have become very familiar with BuzzFeed’s treatment of its trade secrets and other proprietary business information. For example, my work includes determining the commercial sensitivity of information relating to BuzzFeed’s commercial contracts and evaluating whether disclosing such information would harm BuzzFeed’s business and competitive standing. My work also includes determining whether to seek confidential treatment for BuzzFeed-related material submitted to government agencies and courts.

2. I understand that that the parties in the above-captioned action have designated various excerpts from the deposition of BuzzFeed’s Chief Business Officer, Ken Blom, for

potential use in their upcoming trial. I personally attended the deposition of Mr. Blom, which took place on August 29, 2023 and was designated as “Highly Confidential.”

3. I have reviewed the deposition testimony designated by the parties and submit this declaration in support of BuzzFeed’s request to redact certain confidential and competitively sensitive information.

4. As a general matter, BuzzFeed treats its commercial contracts, including its contracts with advertisers and providers of online advertising technology, as highly confidential and limits access to these contracts to employees whose responsibilities require such access. This standard business practice reflects BuzzFeed’s concerted effort to avoid the commercial harm that BuzzFeed would suffer if the confidential and sensitive information in these contracts were publicly disclosed. This standard business practice also reflects BuzzFeed’s commitment to honoring its contractual confidentiality obligations, as well as BuzzFeed’s recognition that its business relationships and ability to successfully negotiate future contracts would be significantly undermined if its commercial contracts and their terms were publicly disclosed.

5. As shown in Exhibit A to the declaration submitted by BuzzFeed’s legal counsel, BuzzFeed has not raised an objection to the vast majority of the deposition testimony designated by the parties for potential public use at trial. In fact, BuzzFeed has declined to raise an objection to testimony that it previously designated as confidential in connection with the parties’ summary judgment briefing.

6. BuzzFeed’s objection only seeks to redact the confidential information that is most likely to significantly harm BuzzFeed’s business and competitive standing if publicly disclosed. For example, BuzzFeed has requested that specific pricing information be redacted because the disclosure of this information would provide BuzzFeed’s competitors with an unfair

advantage when competing for the same advertising business, and would undermine BuzzFeed's ability to negotiate the best terms possible with its advertising clients.

7. Likewise, the disclosure of confidential information about BuzzFeed's customized product/service offerings would place BuzzFeed at a competitive disadvantage when bidding for advertising business, as well as harm BuzzFeed's position during ongoing and future negotiations with advertisers and providers of online advertising services.

8. BuzzFeed has requested the redaction of very specific information regarding its online advertising business—such as the revenue percentages represented by particular advertising channels and individual providers of online advertising technology services—because the disclosure of this information would undermine BuzzFeed's ability to secure the best terms possible during ongoing and future negotiations with advertisers and providers of online advertising technology services. The disclosure of this information would also adversely affect other deals and business transactions that are or could be contemplated by BuzzFeed.

9. Finally, BuzzFeed has requested the redaction of testimony discussing confidential and competitively sensitive internal business reports because this testimony contains pricing information for specific advertising channels, revenue summaries and projections, and BuzzFeed's competitive responses to different market developments.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 26th day of July, 2024, in New York, New York.

Christopher Hickman

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Christopher Hickman